

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

NETJUMPER SOFTWARE, L.L.C.  
a Michigan limited liability corporation,

Plaintiff,

v.

Case No. 04-70366-CV  
Hon. Julian Abele Cook, Jr.  
Magistrate Judge R. Steven Whalen

GOOGLE INC.,  
a Delaware corporation

Defendant.

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**DEFENDANT GOOGLE INC.'S NOTICE OF SUPPLEMENTAL AUTHORITY  
IN SUPPORT OF ITS CLAIM CONSTRUCTION BRIEFS**

Defendant Google Inc. (“Google”), by its attorneys, Fish & Richardson P.C. and Dickinson Wright PLLC, submits the United States Court of Appeals, Federal Circuit’s decision in *E-Pass Technologies, Inc. v. 3Com Corp., et. al.*, 473 F.3d 1213 (Fed. Cir. 2007) (Exhibit 1) in support of its Opening Claim Construction Brief, filed on July 11, 2006 (Doc. #86) and its Claim Construction Reply Brief, filed on August 7, 2006 (Doc. # 97). The *E-Pass* case further supports the authority provided in footnote 35 in Google’s opening brief and the statement made in footnote 23 in Google’s reply brief. *See, e.g., E-Pass*, 473 F.3d at 1222 (construing method claims to be performed in the order recited because each step relied upon the completed result of a prior step).

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 28, 2007, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notification of such filing to counsel of record.

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